

State of South Dakota

SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

942D0424

SENATE BILL NO. 80

Introduced by: Senators Staggers, Albers, Dennert, Drake, and Lange and Representatives Klautdt, Cerny, Garnos, Koehn, Kooistra, Patterson, Volesky, and Weber

1 FOR AN ACT ENTITLED, An Act to provide a tax refund for agricultural production facilities
2 and to revise the eligibility requirements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45B-1 be amended to read as follows:

5 10-45B-1. Terms used in this chapter mean:

6 (1) "Department," the Department of Revenue;

7 (2) "New agricultural processing facility," a new building or structure, the construction
8 of which is subject to contractors' excise tax pursuant to chapter 10-46A or 10-46B.

9 A new agricultural processing facility is any new building or structure constructed for
10 the initial or subsequent processing of any form of agricultural commodity, product,
11 or by-product. A new agricultural processing facility does not include ~~any building or~~
12 ~~structure constructed for raising or feeding of livestock or~~ the expansion of an
13 existing agricultural processing facility;

14 (3) "New agricultural production facility," a new building or structure, the construction
15 of which is subject to contractors' excise tax pursuant to chapter 10-46A or 10-46B.

16 A new agricultural production facility is any new building or structure constructed for

1 raising or feeding livestock. A new agricultural production facility does not include
2 the expansion of an existing facility;

3 (4) "Person," any individual, firm, copartnership, joint venture, association, limited
4 liability company, corporation, estate, trust, business trust, receiver, or any group or
5 combination acting as a unit;

6 (4)(5) "Project," the construction of a new agricultural processing facility at a single site;

7 (5)(6) "Project cost," the amount paid in money, credits, property, or other money's worth
8 for a project;

9 (6)(7) "Secretary," the secretary of the Department of Revenue.

10 Section 2. That § 10-45B-2 be amended to read as follows:

11 10-45B-2. Any person may apply for and obtain a refund or credit for contractors' excise
12 taxes imposed and paid under the provisions of chapter 10-46A for the construction of a new
13 agricultural processing facility or agricultural production facility and for sales or use taxes
14 imposed and paid by such person under the provisions of chapters 10-45 and 10-46 for the
15 purchase or use of agricultural processing equipment or agricultural production equipment.

16 Section 3. That § 10-45B-4 be amended to read as follows:

17 10-45B-4. The refund pertains only to project costs incurred and paid after April 1, 1997,
18 and within thirty-six months of the approval of the application required by § 10-45B-6. No
19 refund may be made unless:

- 20 (1) The project cost exceeds the sum of ~~four million five hundred thousand~~ one million
21 dollars; and
- 22 (2) The person applying for the refund obtains a permit from the secretary as set forth in
23 § 10-45B-6.

24 Section 4. That § 10-45B-5 be amended to read as follows:

25 10-45B-5. If the project cost exceeds ~~four million five hundred thousand~~ one million dollars,

- 1 the refund shall be one hundred percent of the taxes attributed to the project cost.